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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,456	10/04/2000	Stephen A. Rago	3728-109US	7545

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225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 07/09/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,456

Applicant(s)

RAGO, STEPHEN A.

Examiner

Monplaisir G Hamilton

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-9 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3,6-9 and 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The communication filed on 3/30/04 amended Claims 1, 16, and 25 and cancelled Claims 4-5, 10-15 and 28-32. Claims 1-3, 6-9 and 16-27 remain for examination.

Response to Arguments

2. Applicant's arguments filed 3/30/04 have been fully considered but they are not persuasive.

Applicant argue: "Solits neither describes nor suggests block allocation of data being performed by the server. Rather, Soltis describes a serverless Global File System in which clients, rather than servers, maintain and manage the storage devices..".

Examiner agrees that Solits discloses that his system is a serverless system. However, Solits discloses that his system merely eliminates the need for expensive server hardware. This does not mean that his system is void of all types of servers. Examiner maintains that the clients of Solits system take on the functionality of servers. Therefore the clients are also servers. This allows the clients to message to exchange information (col 6, lines 30-45). Furthermore applicant essentially concedes that the server and client can operate on the same device in Claim 9. Examiner therefore maintains that the disclosure of Soltis renders the claimed invention unpatentable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-9, 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6493804 issued to Solits et al, herein referred to as Solits.

Referring to Claims 1:

Solits discloses a method comprising the steps of: attaching said client to said file system (col 8, lines 20-30; col 10, lines 5-15); and reading a formal description of the file system by said client from said disc storage device, wherein said client can determines file information from the formal description of the file system to directly read and write data to and from said disc storage device without requiring further knowledge of said file system (col 6, lines 10-15; col 11, lines 50-60; col 12, lines 10-15; col 14, lines 55-60), block allocation for the data being performed by the server (col 6, lines 30-60; col 14, lines 40-55).

Referring to Claims 16, 20 and 25:

Solits discloses a method for reading or writing data from a storage source comprising: acquiring a description of a file system associated with a storage resource from the storage

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resource (col 11, line 60-col 12, lines 15; col 14, lines 55-60); and determining file information from the description of a file system for reading or writing directly to the storage resource based on the description without requiring further knowledge of said file system (col 6, lines 10-15) block allocation for the data being performed by the server (col 6, lines 30-60, col 14, lines 40-55).

Referring to Claim 2:

Solits discloses the limitations of Claim 1 above. Solits further discloses reading enough information to determine the physical block and offset containing a given file's inode given its inode number (col 12, lines 40-45).

Referring to Claim 3:

Solits discloses the limitations of Claim 2 above. Solits further discloses reading enough information to determine the block list of a given file given an offset into the file and a length (col 13, lines 15-30, 55-60).

Referring to Claim 6:

Solits discloses the limitations of Claim 3 above. Solits further discloses sending a mount request; and receiving a mount response (col 9, line 25-30)

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Referring to Claim 7:

Solits discloses the limitations of Claim 6 above. Solits further discloses said formal description of the file system read in step b. is saved for future use when a read request or a write request is made by said client (col 9, line 45-50)

Referring to Claim 8:

Solits discloses the limitations of Claim 7 above. Solits further discloses said disc storage device is located in a Storage Area Network (SAN) (col 8, lines 15-20).

Referring to Claim 9:

Solits discloses the limitations of Claim 7 above. Solits further discloses client is located in said server (col 10, lines 5-15).

Referring to Claims 17, 21 and 26:

Solits discloses the limitations of Claims 16, 20 and 25 above. Solits further discloses reading or writing data blocks associated with the file system (col 13, lines 15-30, 55-60).

Referring to Claims 22 and 27:

Solits discloses the limitations of Claims 20 and 25 above. Solits further discloses a computer configured to read and write files associated with the file system (col 13, lines 30-40).

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Referring to Claims 18 and 23:

Solits discloses the limitations of Claims 16 and 22 above. Solits further discloses determining a block and an offset associated with a file on said file system based on a file identifier (col 12, lines 40-45).

Referring to Claims 19 and 24:

Solits discloses the limitations of Claims 18 and 22 above. Solits further discloses determining a block list associated with a file based on an offset into the file and a length (col 13, lines 15-30, 55-60).

Final Rejection

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

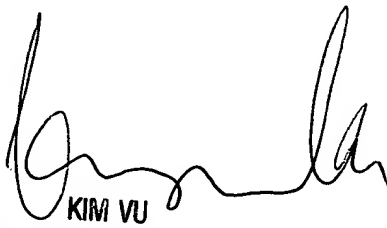
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton


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